

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
AVAN/000419

First named inventor: Bernard Y. Malo

Application No.: 09/892,472

Art Unit: 2874

Filed: June 28, 2001

Examiner: Daniel J. Petkovsek

**Title: LOCALIZED ANNEALING OF UV INDUCED INDEX GRATINGS-IN OPTICAL WAVEGUIDES**

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

The Commissioner is hereby authorized to charge counsel's Deposit Account No. 20-0782/AVAN/000419US the petition fee of \$1,500.00. (A duplicate copy of this form is included.)

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of a Response and Amendment (See attached sheet) (Identify type of reply):

has been filed previously on \_\_\_\_\_.

is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_

has been paid previously on \_\_\_\_\_.

is enclosed herewith.

[Page 1 of 2]

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PAGE 2/18 \* RCVD AT 3/11/2005 3:49:29 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/3 \* DNI:8729306 \* CSID:7136234846 \* DURATION (mm:ss):04:44

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3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Walter C. Grollitsch

11 March 2005

Signature	Date
Walter C. Grollitsch	48,678
Typed or printed name	Registration Number, if applicable
3040 Post Oak Blvd., Suite 1500	713-623-4844
Address	Telephone Number
Houston, Texas 77056	
Address	

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]**

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11 March 2005

Walter C. Grollitsch

Signature

Date

Walter C. Grollitsch

Typed or printed name of person signing certificate

[Page 2 of 2]

341255.1

MAR 11 2005

PATENT  
Atty. Dkt. No. AVAN/000419

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Bernard Y. Malo§  
§ Group Art Unit: 2874

Serial No.: 09/892,472

§  
§ Examiner: Petkovsek, Daniel J.

Confirmation No.: 3302

Filed: June 28, 2001

For: LOCALIZED ANNEALING OF  
UV INDUCED INDEX  
GRATING-IN OPTICAL  
WAVEGUIDESCONTINUATION OF SECTION 2A IN THE PETITION FOR REVIVAL OF AN  
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR  
1.137(b)

A teleconference with the Examiner indicated that the file was lost internally at the United States Patent and Trademark Office and therefore the petition to revive and the response filed on November 25, 2003 was not entered in the record. As evidence of the petition to revive and response filed on November 25, 2003, please find attached a copy of the "Auto-Reply Facsimile Transmission" from the United States Patent and Trademark Office.

## Auto-Reply Facsimile Transmission

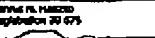


**TO:** **Fax Sender at 613 563 9231**

**Fax Information**  
**Date Received:** 11/25/2003 9:30:00 AM [Eastern Standard Time]  
**Total Pages:** 15 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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PTO/SB/021 (07-03)			
AIA/USPTO USE THROUGH 04/07/2007. CASE 601-007-0027			
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE 1709 D STREET, NW, WASHINGTON, DC 20591-0001			
<b>TRANSMITTAL FORM</b> (Use only for all correspondence after July 1, 1997)			
Application Number: 09/682,472 Filing Date: June 28, 2001 First Named Inventor: Edward M. Petrowski Anv. Unit: 2874 Examiner Name: D. Petrowski Attorney/Deputy Attorney: 703/602/25-1			
Total Number of Pages in This Submission: 15			
<b>ENCLOSURES</b> (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Assignment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Attn/Attn/Notice/Serial(s) <input type="checkbox"/> Continuation of This Request <input type="checkbox"/> Computer Assessment Requested <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.32 or 1.33		<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Letters-Transmittal Forms <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Request to Convert to a Non-Provisional Application <input type="checkbox"/> Power of Attorney, Reservation of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Reprint <input type="checkbox"/> CD Number of (CDs)  <input type="checkbox"/> Remarks	<input type="checkbox"/> After Allowance Communication <input type="checkbox"/> Technology Docket (TD) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TCC <input type="checkbox"/> Request Reissue, Reinstatement <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other (check if other (please specify below))
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Institution Signature	Daniel M. Petrowski Registration 29,675 		
Date	24 NOV 2003		
<b>CERTIFICATE OF TRANSMISSION/MAILING</b>			
I hereby certify that the correspondence in this document is being transmitted to the USPTO or deposited into the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, DC 20591 on this date: 25 NOV 2003.			
Type of printed Signature	Markus Grubholz 703-679-3500	Date	25 NOV 2003
If you need assistance or have a question, call 1-800-PTO-8000 (1-800-777-8000) and select option 8.			
This document is transmitted in accordance with 37 CFR 4.6. The transmission is required to obtain or retain a benefit by the party to the proceeding in the USPTO or another agency. It constitutes a declaration by the user that 37 CFR 2.13 and 37 CFR 2.131 are being followed. This collection is estimated to take 12 minutes to complete, including preparing, preparing, and submitting the completed application form to the USPTO. There will be no recovery fee for this collection. Any person who believes that this collection of information is not necessary or is inappropriate for the purpose for which it is used should contact the Office of the Chief Information Officer, U.S. Patent and Trademark Office, 1709 D Street, NW, Washington, DC 20591. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Customer Service for Patents, Washington, DC 20591.			

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Walter C. Grollitsch	48,678
Typed or printed name	Registration Number, if applicable
3040 Post Oak Blvd., Suite 1500	713-823-4844
Address	Telephone Number
Houston, Texas 77056	
Address	

Enclosures:  Fee Payment

Reply

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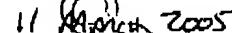
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